

PASCAULT, Jean-Pierre, et al.

USSN: 09/937,550

REMARKS/ARGUMENTS

Claims 11 and 14 have been amended as required by the Examiner to render moot the rejections under §112.

The Examiner has maintained and made final, the rejection of Claims 1, 8-10, 13, and 17-21 under 35 U.S.C. §102(b) as anticipated by, or, in the alternative, under 35 U.S.C. §103(a) as obvious over Roth et al., US 6,274,673. The Applicants traverse this final rejection as follows.

First, the Applicants have just noticed a minor technical point. The Roth et al. reference seems to be prior art under §102(e) and not under §102(b) as stated in the pending and prior Office Actions. This error does not impact the merits of the rejection but the Examiner is requested to correct the record in the next communication.

Second, the final rejections fail because the Roth et al. reference fails to teach or suggest all of the elements of the currently pending claims. Specifically, the claims were amended in the previous response to "...the microparticles carry at least one functional group which reacts by a polycondensation reaction and at least one second functional group which is an α,β -ethylenic unsaturation which can polymerize by the radical route or by a specific Michael reaction." The Examiner cites to the Examples of Roth et al. as showing "microparticles having dual functionality which are both methacrylate functionality and acid functionality." However, the Applicants believe that the Examiner is confusing the presence of methacrylic unsaturation in the monomers used to prepare the microgels of Roth et al. with the presence of α,β -ethylenic unsaturation carried by the microparticles of the current invention. In contrast, the ethylinic unsaturation of the methacrylate monomers of Roth participate in the polymerization reaction that forms the microparticle. As such, no ethylinic unsaturation would be expected to remain to be borne by the microparticles of Roth et al.

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Thus, the microparticles of Roth et al. do not anticipate or render obvious the subject matter of the pending claims.

The Examiner rejected Claims 1-21 under the doctrine of obviousness double patenting over US 6,586,097. An appropriate terminal disclaimer is filed with this response.

The Applicants believe that the amendments, remarks and the co-filed terminal disclaimer put the application in condition for allowance.

A fee of \$110 is believed to be due for the terminal disclaimer with the filing of this Amendment and Response, and such fee should be charged to Deposit Account 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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